


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

United States of America,
Plaintiff,

vs.

Crim No.: 3:19-Cr-00338-001

Mark Eric Icker,
Defendant,

FILED
SCRANTON
APR 12 2022
PER 
DEPUTY CLERK

Emergency Memorandum In Support Of Motion
For Compassionate Release Pursuant To
18 U.S.C. § 3582(c)(1)(A)(i)

The defendant, Mark Eric Icker. ("Mr. Icker"), pro-se, respectfully moves this Court to grant his Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A). This motion should be granted because the global Covid-19 pandemic, the unusually harsh conditions of confinement as a consequence of the lockdown measures undertaken to control the spread of Covid-19 in prison, combined with Mr. Icker's medical conditions present an "extraordinary and compelling reason " for Compassionate Release.

Mr. Icker is particularly susceptible to future strains of the Covid-19

virus such as the "Delta" and "Omicron" variants and is more likely suffer dire consequences from the virus due to his underlying medical conditions. Specifically, Mr. Icker suffers from: Hypertension, Hereditary Hemorrhagic Telangiectasia (HHT), Heart Aneurysm, Asthma, Paums on Lungs (tumors), Arteriovenous Malformations in brain and lungs, and chronic bleeding has multiple stroke factors. Additionally, Mr. Icker's incarceration at Butner Low Security Correctional Institution exposes him to a particularized risk of contracting the disease.

Butner Complex has been particularly poor at managing inmates medical conditions such as Mr. Icker's that is exactly why the Butner Complex is ill-equipped to protect Mr. Icker and others like him.

Given Mr. Icker's dire situation, allowing Mr. Icker to finish out the remaining months of his sentence with his mother Beverly Richardson in Sterling, PA, is the only prudent and just response to the "extraordinary and compelling" circumstances created by the novel coronavirus. Mr. Icker is not a danger to the community and his release plan adheres to the mandates of Section 3553(a), particularly in light of the cataclysmic events of this pandemic combined with his underlying medical issues. Mr. Icker is respectfully asking the Court to consider this motion on an expedited basis as the risk to Mr. Icker's life multiplies exponentially with each passing day.

Factual Background

ON an Unknown date to Mr. Icker, Mr. Icker was charged in a Criminal

Information with Deprivation of Rights under Color of law (Count One); and Deprivation of Rights under Color of law, 18 U.S.C. § 242. He pleaded guilty to the charge on November 15, 2019. Mr. Icker sentenced on July 24, 2020, to 180 months of incarceration and 3 years of supervision.

Since his incarceration, Mr. Icker has diligently taken full advantage of educational opportunities afford to him. he has completed Civil War, Grammer-up, mind set. Poetry-up, financial literacy, Solar system (UB), Shu Business Ind Study, Mgmt Ind Study, Interfaith skills RPP6, Shu Real Estate Invest Ind St, Shu Personal finance Ind Study, Shu Genetic Intro Ind Study, Money Smart Older Adults RPP3, and Nonprofit. Mr. Icker advises that has also worked for Carpentry, a Bop work program where inmates can earn money towards fines, greatly reducing recidivism among participants.

Summary of Argument

First, this Court should exercise its authority to grant Mr. Icker Compassionate Release because the Covid pandemic, combined with Mr. Icker's susceptibility to future strains of Covid-19, and his medical issues, are " extraordinary and compelling reasons" warranting relief. AS long as Mr. Icker remain incarcerated, Mr. Icker faces an unacceptable risk of contracting Covid-19 and/or complications from his underlying medical conditions that are not being properly treated. He risks dying from either the one.

Even in the best circumstances, Mr. Icker cannot provide self-care or receive proper treatment for his medical issues because his incarceration prevents him from following CDC Guidance "social distancing is particularly difficult in the penal setting." Seth, 461 F. Supp. 3d 242, 2020 WL 2571168, at *2; Senate Judiciary Hrg. Transcript on Incarceration during Covid-19, Rev. Com (June 02, 2020)("Testimony of Bop Dir. Michael Carvajal at 47:00)(Prisoners by design are not made for social distancing. They are on [sic] the opposite made to contain people in one area.") Indeed, there are serious doubts that Bop will be able to adequately care for prisoners as the Covid-19 pandemic continues to unfold ("The Inspector General has found widespread medical staffing shortages across Bop facilities that "lower staff morale increase staff workload, and ultimately can reduce inmates access to routine medical care. " Review of the Federal Bureau of Prison's medical staffing challenges, available at <http://oig.justice.gov/reports/2016/e1602.pdf>." For these reasons, federal courts nationwide have held that Covid-19 constitutes an extraordinary and compelling basis for ordering compassionate release for defendant's facing a rapidly growing mortal threat from exposure to the coronavirus in federal prisons. In light of the specific threat Mr. Icker faces, this Court should grant this motion.

Second, the Section 3553(a) factors warrant Mr. Icker's release. He not a danger. He has had no disciplinary issues in prison. While incarcerated, Mr. Icker has taken classes to help ensure that he will not reoffend if released. He has also taken a number of educational and vocational programming which will make him far better equipped to reenter into society than when he went in more than two years ago. Finally, Mr.

Icker has a solid release plan.

Argument

I. The Covid-19 Pandemic Presents an Extraordinary and Compelling Reason for Mr. Icker's Compassionate Release Due to Mr. Icker's Particular Vulnerability.

Vulnerability

A. This Court can determine that Covid-19 presents an extraordinary and compelling reason for compassionate release.

Under Section 3582(c)(1)(A)(i), this Court "may reduce the term of imprisonment" if it finds that "extraordinary and compelling reasons warrant such a reduction...and that such a reduction is consistent with applicable policy statement issued by the Sentencing Commission." The Sentencing Commission has issued a policy statement that provides factual considerations for determining whether compassionate release is appropriate. Those considerations include three enumerated categories of "reason" relating to defendant's medical condition, age, and family circumstances as well a "catchall" provision any "other reasons" as determined by the Bop U.S.S.G. § 1B1.13, Application Note 1(A). However, this policy statement is outdated and inconsistent with the First Step Act to the extent it provides that only the Bop may determine what "other reasons" qualify as "extraordinary and compelling."

It is the Courts role to determine what "other reasons" warrant

compassionate release notwithstanding the Commission's outdated policy statement that provided for Bop to make that determination. See United States v. Mauman, 2:08-cr-758-TC, 2020 WL 806121, at *7-8 (D. Utah Feb 18, 2020). Numerous courts have recognized the judicial authority to find that compassionate release is warranted for "other reasons" than those set forth in U.S.S.G. § 1B1.13 Rodriguez, 451 F. Supp. 3d at 397, quoting, United States v. Beck, 425 F. Supp. 3d 573, 582 (M.D.N.C. 2019).

There is ample precedent to support compassionate release in light of prisoners particular susceptibility and vulnerability to Covid-19. Courts in the Third Circuit and across the country have found that a defendant's heightened risk and particular vulnerability to Covid-19 in prison constitutes an "extraordinary and compelling reason" in favor of compassionate release. Court across the Circuit has also recognized that the " gross disparity between the sentence that he would have received after passage of the First Step Act present an " extraordinary and compelling reason" for compassionate release. Redd, 2020 WL 1248493.

Although the Court's decision in Redd did not address the coronavirus (it was not at an issue), it speaks to the issue presented here: if Mr. Icker is not released, he faces a potential death sentence, which is not what Congress or the Court intended at sentencing. See, e.g., Edwards, 2020 WL 1650406, at *6. (Had the Court known when it sentenced Defendant in 2018 that the final 18 months of his term in federal prison would expose him to a heightened and substantial risk presented by the Covid-19 pandemic on account of Defendant's compromised immune system, the Court would not have sentenced him to the latter 18 months." The Court may grant compassionate release to avoid such a gross disparity.

B. Mr. Icker is more likely to suffer severe or fatal effects of Covid-19 because of his health conditions.

People with pre-existing health issues are particularly at risk of experiencing severe side effects or death as a result of this virus. According to the CDC, the following group are at high risk for severe illness from Covid-19: (1) people aged 65 and older; (2) people who live in a nursing home or long term care facility; (3) people with high risk conditions, such as chronic lung disease or moderate to severe asthma, serious heart conditions, people who are immunocompromised, obese, or have diabetes, renal failure, or liver disease. Additionally, thirty-seven percent of Covid-19 patients admitted to the ICU had another chronic disease like hypertension, asthma, chronic lung disease, Paums on lungs, and obesity.

Mr. Icker has several pre-existing conditions that put him at a greater risk of severe or fatal effects should he contract Covid-19. Mr. Icker has a history of asthma. Additionally, Mr. Icker suffers from high blood pressure, Heart Aneurysm, Congestive heart failure, Chronic lung diseases, Paums on lungs, and obesity. All of these conditions especially in combination with each other, put him at great risk.

The CDC has noted that respiratory disease, like Covid-19, often make the heart work harder, which can then lead to worsening Covid-19 symptoms. For individuals that already have heart difficulties, like hypertension, and heart aneurysm, the heart begins to overwork leading to the often

severe and fatal effects. Since Mr. Icker has two conditions Heart Aneursum and Hypertension, and is not receiving the proper treatment to manage those conditions, his risk of having severe or fatal effects from Covid-19 is higher.

In sum, Mr. Icker's particular susceptibility to Covid-19 while incarcerated, in combination with the mortal risk to Mr. Icker given this underlying medical issues constitutes an extraordinary and compelling reason warranting Mr. Icker's compassionate release.

C. Mr. Icker's Conditions of Confinement during the Pandemic

Mr. Icker has experienced unusually harsh conditions of confinement as a consequence of the lockdown measures undertaken to control the spread of Covid-19 in prison. These conditions include " constant lockdown and other unusually severe conditions of confinement necessary to reduce the risk of Covid-19 infection in the close quarters of a prison. United States v. Henareh, 2021 U.S. Dist. Lexis 6855, 2021 WL 119016, at *5 (S.D.N.Y. Jan. 13, 2021). The lockdown measures have rendered the last year and a half of his sentence significantly " harsher and more punitive than would otherwise have been the case. "United States v. Rodriguez, 492 F. Supp. 3d 306, 311 (S.D.N.Y. Sept 30, 2020). See also United States v. Garcia, 505 F. Supp. 3d 328, 332 (S.D.N.Y. Dec. 08, 2020)("[H]eighted restrictions imposed upon all prisoners during the pandemic. Made conditions of confinement harsher, both physically and psychologically, than they would otherwise normally be."

While Mr. Icker's health conditions may become less important if and when the pandemic ceases, the pandemic itself has not only posed a threat to Mr. Icker's health but has made his incarceration more harsh and effectively more punitive, than could have been expected by the sentencing court. "For someone with Mr. Icker's health profile, the risk of suffering severe health consequences if the contracts Covid-19, coupled to the severe conditions imposed by the concomitant lockdowns and restrictions that are necessary to ensure [his] safety, means that the actual severity of [his] sentence as a result of the Covid-19 outbreak exceeds what the [sentencing] [C]ourt anticipated." " Rodriguez, 492 F. Supp. 3d at 311 (quoting United States v. Mel, No. TDC-18-0571, 2020 U.S. Dist. Lexis 74491, 2020 WL 2041674, at *D.Md. Apr. 28, 2020)). Indeed, many courts, have taken into consideration the harsh and difficult conditions of detention during the pandemic during sentencing hearings. See, e.g., United States v. Flores-Alberto, No. 20 Crim. 668 (07/19/21 Sentencing Tr. at 12: 5-12)("[D]etention during this pandemic has been extremely difficult...There's no question that it's been more harsh than in normal times...[T]he defendant's pretrial conditions were qualitatively more severe in kind and degree than the prospect of such experience is reasonably foreseeable in the ordinary case."); United States v. Del Carmen, No. 18 Crim. 669 (05/21/21) Sentencing Tr. at 16: 2-7)(" I do think the fact that you've served a significant number of months under these [pandemic] conditions since last year counts for a lot because I think...it's been harsher conditions, and I've been giving people credit because I think that effectively is like more punishment") United States v. Ramirez, No. 20 Crim. 29(10/20/20 Sentencing Tr. at 19:8-12)(explaining that "the nature of [the defendant's] detention

during this pandemic has been really harsh...and frankly, I think that makes it probably twice as punitive as it otherwise be").

Releasing Mr. Icker is appropriate given Mr. Icker's history and characteristics and his rehabilitation while incarcerated.

Mr. Icker's sentence should be reduced because Mr. Icker is not a danger to the safety of any other person or to the community, as provided in 18 U.S.C. § 3142(g). See U.S.S.G. § 1B1.13(2). Furthermore, the relevant 18 U.S.C. § 3553(a) factors favor a sentence reduction. Mr. Icker has been rehabilitated while incarcerated. He has taken numerous vocational and educational classes, as well as attended treatment. He also has a solid release plan with a safe, stable place to live and employment.

A. Mr. Icker is not a danger

Mr. Icker is an ideal candidate for release. Mr. Icker is incarcerated for a non-violent Civil Rights violation offense. Since his incarceration Mr. Icker has a good disciplinary record. He is currently housed at FCI Butner-Low, a low security federal correctional institution, which provides insight into the BOP's assessment on whether an individual is a community danger. See, e.g., United States v. Somerville, 2020 WL 2781585 at *14 (W.D. Pa. May 29, 2020)(reducing a gun-possessing, drug distributor's 180 months sentence to three years of probation for obesity and asthma-related concerns, in part, because the incarcerated individual was "housed in a low security facility...")

Indeed, by reducing the potential spread of Covid-19 within the prison system, Mr. Icker's release would benefit public safety. See, e.g. United States v. Harris, No. 19-Cr-356, 2020 WL 1482342, at *1(D.D.C. Mar. 26, 2020)("The Court is convinced that incarcerating defendant while the current Covid-19 crisis continues to expand poses a far greater risk to community safety than the risk posed by defendant's release to home confinement on...strict conditions." Mr. Icker's release would also reduce the existing strain on Bop's healthcare facilities.

Finally, Mr. Icker has strong support in the community. This will be essential to his successful reintegration to society upon release. He has maintained close ties with his family throughout his time in prison. Backed by this support and given the rehabilitative efforts he has made since sentencing, Mr. Icker would not present a danger to society.

B. The § 3553(a) factors and Mr. Icker's rehabilitation weigh in favor of relief.

Mr. Icker needs treatment for his health conditions. Care-or lack thereof- is "a factor to be heavily weighed" in favor of release. 18 U.S.C. § 3553(a) analysis. See United States v. Griggs, --F.Supp. 3d-- , 2020 WL 2614867 at *9 (D.S.C. May 22, 2020). This is especially true during the Covid-19 pandemic, when BOP staff is consumed with containing and treating the spread of Covid-19, " making it " far more difficult for inmates with chronic health conditions to seek routine follow-up care and undergo necessary diagnostic screenings for potential acute medical problems. "Id.; see also United States v. Burrill,--F. Supp. 3d--2020 WL

1846788 at *3 (N.D. Cal. Apr. 10, 2020)(finding "[W]hich it may have been true when Burill was sentenced that the Bop could provide him adequate medical care, circumstances have changed. Burill unlikely to be able to get the medical care he needs in the midst of an ongoing pandemic.") Mr. Icker has been having issues receiving follow up care because of the Covid-19 pandemic. Given the unusually harsh conditions, infections with Covid-19, and pain and mental anguish from delayed diagnostic care that Mr. Icker ensures while at FCI Butner low during the pandemic. It is clear Mr. Icker's conditions constitutes an extraordinary and compelling reason for release. Mr. Icker has tried to make the most of his incarceration by participating in programming, both vocational and educational. As noted above, he has completed a wide range of courses, investing in his future. Also, he has maintained strong ties to his family since his incarceration. Keeping a good relationship with them is one of the most important things to Mr. Icker. Since Mr. Icker's incarceration, he has vowed to his family and friends that he will be a better man coming out than he went in.

Each day that Mr. Icker is in custody heightens his risk for infection. He has no way to practice "social distancing," other protective measures that are mandated by health official throughout the nation and which promise some hopes of surviving the consequences of infection, or receive the medical care that he needs for his underlying medical issues.

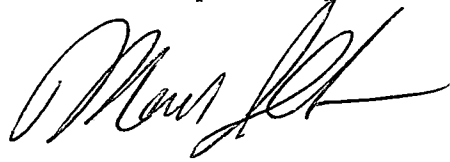
Conclusion

Mr. Icker is respectfully requesting that this Court orders his immediate

compassionate release and impose his conditions of supervise release.

Date:

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Maurice H." with a stylized flourish at the end.

4/6/22

Exhibit One

Administrative Remedy Process

U.S. Department of Justice
Federal Bureau of Prisons
LSCI Butner

Request for Administrative Remedy
Part B - Response


Admin Remedy Number: 1114275-F1

This is in response to your Request for Administrative Remedy receipted March 22, 2022, in which you appeal the denial of your request for a reduction in sentence (RIS) and/or compassionate release.


Title 18 of the United States Code, section 3582 (c)(1)(A), allows a sentencing court, on motion of the Director of the BOP, to reduce a term of imprisonment for extraordinary or compelling reasons. BOP Program Statement No. 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances that present extraordinary or compelling reasons, such as the inmate's terminal medical condition; debilitated medical condition; status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate"; the death or incapacitation of the family member caregiver of the inmate's child; or the incapacitation of the inmate's spouse or registered partner. Your request for a Compassionate Release/Reduction in Sentence under Terminal Medical Condition criteria concerns was evaluated under general guidance outlined in the Program Statement. You have not been diagnosed with a terminal illness with a life expectancy of less than 18 months.

Based on the above, your request for administrative remedy is denied.

If you are dissatisfied with this response, you may appeal to the Regional Director, Federal Bureau of Prisons, Mid-Atlantic Regional Office, 302 Sentinel Drive, Suite 200, Annapolis Junction, MD 20701. Your appeal must be received in the Regional Office within 20 calendar days from the date of this response.



M. L. King, Warden



Date

Exhibit Two

Individualized Needs Plan Program Review



Individualized Needs Plan - Program Review (Inmate Copy)

SEQUENCE: 02219080

Dept. of Justice / Federal Bureau of Prisons

Team Date: 11-23-2021

Plan is for inmate: ICKER, MARK ERIC 77123-067

Facility: BUF BUTNER LOW FCI
 Name: ICKER, MARK ERIC
 Register No.: 77123-067
 Age: 32
 Date of Birth: 05-03-1989

Proj. Rel. Date: 05-13-2033
 Proj. Rel. Mthd: GCT REL
 DNA Status: OAK04418 / 11-09-2020

Detainers

Detaining Agency	Remarks
NO DETAINER	

Current Work Assignments

Fac	Assignment	Description	Start
BUF	FACL CARP	FACILITIES CARPENTRY	08-25-2021

Current Education Information

Fac	Assignment	Description	Start
BUF	ESL HAS	ENGLISH PROFICIENT	01-12-2021
BUF	GED HAS	COMPLETED GED OR HS DIPLOMA	01-12-2021

Education Courses

SubFac	Action	Description	Start	Stop
BUF		CIVIL WAR (UB)	11-17-2021	CURRENT
BUF		GRAMMAR-SP (UB)	11-17-2021	CURRENT
BUF		MIND SET	11-17-2021	CURRENT
BUF		POETRY-SP (UB)	11-17-2021	CURRENT
BUF	C	FINANCIAL LITERACY	10-14-2021	11-05-2021
BUF	C	SOLAR SYSTEM (UB)	10-14-2021	11-05-2021
BUF	C	SHU BUSINESS IND STUDY	08-12-2021	09-08-2021
BUF	C	INTRODUCTION TO HOBBYCRAFT	08-06-2021	08-11-2021
BUF	C	SHU RESTAURANT MGMT IND STUDY	05-25-2021	08-10-2021
BUF	C	INTERFAITH LIFE SKILLS RPP 6	02-14-2021	07-13-2021
BUF	C	SHU REAL ESTATE INVEST IND ST	05-13-2021	06-03-2021
BUF	C	SHU PERSONAL FINANCE IND STUDY	04-19-2021	05-17-2021
BUF	C	SHU GENETICS INTRO IND STUDY	03-16-2021	04-19-2021
BUF	C	MONEY SMART OLDER ADULTS RPP 3	04-08-2021	04-08-2021
BUF	C	SHU NONPROFIT	02-17-2021	03-17-2021

Discipline History (Last 6 months)

Hearing Date	Prohibited Acts
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** NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS **

Current Care Assignments

Assignment	Description	Start
CARE1-MH	CARE1-MENTAL HEALTH	01-19-2021
CARE2	STABLE, CHRONIC CARE	01-07-2021

Current Medical Duty Status Assignments

Assignment	Description	Start
C19-QUAR	COVID-19 QUARANTINED	12-04-2020
C19-RCVRD	COVID-19 RECOVERED	11-19-2020
NO PAPER	NO PAPER MEDICAL RECORD	12-03-2020
REG DUTY	NO MEDICAL RESTR-REGULAR DUTY	08-25-2021
YES F/S	CLEARED FOR FOOD SERVICE	08-25-2021

Current Drug Assignments

Assignment	Description	Start
ED NONE	DRUG EDUCATION NONE	01-08-2021

FRP Payment Plan

**Individualized Needs Plan - Program Review (Inmate Copy)**

SEQUENCE: 02219080

Dept. of Justice / Federal Bureau of Prisons

Team Date: 11-23-2021

Plan is for inmate: ICKER, MARK ERIC 77123-067

Most Recent Payment PlanFRP Assignment: **PART** FINANC RESP-PARTICIPATES Start: 01-15-2021Inmate Decision: **AGREED** \$25.00 Frequency: **QUARTERLY**Payments past 6 months: **\$50.00** Obligation Balance: **\$150.00****Financial Obligations**

No.	Type	Amount	Balance	Payable	Status
1	ASSMT	\$200.00	\$150.00	IMMEDIATE	AGREED

FRP Deposits

Trust Fund Deposits - Past 6 months: \$1,810.84

Payments commensurate ? Y

New Payment Plan: ** No data **

Current FSA Assignments

Assignment	Description	Start
FTC ELIG	FTC-ELIGIBLE - REVIEWED	01-15-2021
N-ANGER N	NEED - ANGER/HOSTILITY NO	11-24-2021
N-ANTISO N	NEED - ANTISOCIAL PEERS NO	11-24-2021
N-COGNTV N	NEED - COGNITIONS NO	11-24-2021
N-DYSLEX N	NEED - DYSLEXIA NO	05-28-2021
N-EDUC N	NEED - EDUCATION NO	11-24-2021
N-FIN PV N	NEED - FINANCE/POVERTY NO	11-24-2021
N-FM/PAR N	NEED - FAMILY/PARENTING NO	11-24-2021
N-M HLTH N	NEED - MENTAL HEALTH NO	11-24-2021
N-MEDICL Y	NEED - MEDICAL YES	11-24-2021
N-RLF Y	NEED - REC/LEISURE/FITNESS YES	11-24-2021
N-SUB AB N	NEED - SUBSTANCE ABUSE NO	11-24-2021
N-TRAUMA N	NEED - TRAUMA NO	11-24-2021
N-WORK N	NEED - WORK NO	11-24-2021
R-MIN	MINIMUM RISK RECIDIVISM LEVEL	10-21-2021

Progress since last review

He maintains institutional employment in Facilities Carpentry.

He is currently enrolled in Civil War studies, Grammar, Mind Set program, and Poetry. He recently completed Financial Literacy, Solar System, Business Studies, Intro to Hobby Craft, Restaurant Management, and Interfaith Life Skills.

Next Program Review Goals

Complete current enrolled programs by next team May 2022.

Due to the amount of program participation no program recommends at this team.

Long Term Goals

Provide unit team with a release plan by November 2031. Enroll in the HVAC program by July 2022. Enroll in a Healthier Me by November 2022.

RRC/HC Placement**Comments**

** No notes entered **

* MALE CUSTODY CLASSIFICATION FORM *

03-14-2022

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13:30:27

(A) IDENTIFYING DATA

REG NO.: 77123-067

FORM DATE: 07-23-2021

ORG: BUF

NAME: ICKER, MARK ERIC

MGTV: NONE

PUB SFTY: GRT SVRTY, SEX OFFN, SENT LGTH MVED:

(B) BASE SCORING

DETAINER: (0) NONE

SEVERITY: (7) GREATEST

MOS REL.: 141

CRIM HIST SCORE: (00) 0 POINTS

ESCAPES: (0) NONE

VIOLENCE: (0) NONE

VOL SURR: (3) VOL SURR

AGE CATEGORY: (4) 25 THROUGH 35

EDUC LEV: (0) VERFD HS DEGREE/GED

DRUG/ALC ABUSE: (0) NEVER/>5 YEARS

(C) CUSTODY SCORING

TIME SERVED: (3) 0-25%

PROG PARTICIPAT: (2) GOOD

LIVING SKILLS: (2) GOOD

TYPE DISCIP RPT: (5) NONE

FREQ DISCIP RPT: (3) NONE

FAMILY/COMMUN: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

BASE CUST	VARIANCE	SEC TOTAL	SCORED LEV	MGMT	SEC LEVEL	CUSTODY	CONSIDER
+8	+19	-3	+5	LOW	N/A	IN	DECREASE

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

FSA Recidivism Risk Assessment (PATTERN 01.02.01)

Register Number: 77123-067, Last Name: ICKER

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Register Number: 77123-067

Inmate Name

Last.....: ICKER

First.....: MARK

Middle.....: ERIC

Suffix.....:

Gender.....: MALE

Risk Level Inmate.....: R-MIN

General Level.....: R-MIN (3)

Violent Level.....: R-MIN (4)

Security Level Inmate: LOW

Security Level Fac1...: LOW

Responsible Facility.: BUF

Start Incarceration...: 11/06/2020

PATTERN Worksheet Summary

Item	- Value	- General Score	- Violent Score
Current Age	32	21	12
Walsh w/Conviction	TRUE	1	0
Violent Offense (PATTERN)	FALSE	0	0
Criminal History Points	0	0	0
History of Escapes	0	0	0
History of Violence	0	0	0
Education Score	HighSchoolDegreeOrGED	-4	-2
Drug Program Status	NoNeed	-9	-3
All Incident Reports (120 Months)	0	0	0
Serious Incident Reports (120 Months)	0	0	0
Time Since Last Incident Report	N/A	0	0
Time Since Last Serious Incident Report	N/A	0	0
FRP Refuse	FALSE	0	0
Programs Completed	6	-6	-3
Work Programs	0	0	0
		Total 3	4

Exhibit Three

Medical Specialist's

GEISINGER
HEALTH SYSTEM

Family Practice, Mt Pleasant
531 Mt Pleasant Dr
Scranton PA 18503
Phone: 570-342-8500
Fax: 570-342-0924
7/16/2020

Mark E Icker
501 Edgar St
Throop PA 18512

To whom it may concern,

This letter is written on behalf of Mark Icker. He is a patient of mine and has a condition known as Osler-Weber-Rendu syndrome or Hereditary Hemorrhagic Telangiectasias. This puts him at risk for spontaneous bleeding typically from the nose, brain, lungs, and intestine.

He is known to have arteriovenous malformations in the brain and lungs and has not had adequate follow up in years. He is experiencing recurrent nose bleeds, worsening headaches. He is slated for CAT scans of the chest and MRI of the brain to evaluate his condition to see if any advanced intervention such as coiling procedures are needed.

He would not be able to get any of this care adequately performed in the penal system. I ask that he be allowed to get his testing done.

In addition, his mother also has the disease and she presently depends on him to assist her for her epistaxis and severe bleeding episodes and medical care.

Sincerely,


Sean P McCall, DO



Penn Medicine

Hospital of the University of Pennsylvania

Scott O. Trerotola, M.D.
Stanley Baum Professor of Radiology
Professor of Surgery
Vice Chair for Quality
Associate Chair for Interventional Radiology
Chief, Interventional Radiology

January 24, 2022

Name: Mark Icker
DOB: 5/31/1989

Dear Department of Corrections:

Mark Icker has a genetic disorder known as Hereditary Hemorrhagic Telangiectasia (HHT), which causes abnormal blood vessel formation in the skin, mucous membranes, and organs such as the lungs, liver, and brain. Due to these malformations, patients may experience symptoms ranging from nosebleeds, acute and chronic digestive tract bleeding, and various problems due to the involvement of other organs. Treatment focuses on reducing bleeding from blood vessel lesions, and sometimes surgery or other targeted interventions to remove arteriovenous malformations in organs. Chronic bleeding often requires iron supplements and sometimes blood transfusions.

Mr. Icker was last seen in September 2020 in our office for clinical evaluation of his HHT. At that time, an evaluation of his lungs did not reveal any vascular malformations requiring treatment, and he needs reassessment of his lungs every 5 years, next in Summer 2025. He does not need further evaluation of his brain. He should be monitored periodically for the development of anemia due to chronic blood loss.

As Mr. Icker has a rare genetic disorder, should he require treatment for any sequela I strongly recommend that it would be completed at an HHT Center of Excellence, such as UPHS. Please let me know if I can be of any further assistance in his care.

Sincerely,

A handwritten signature in black ink, appearing to be 'Scott O. Trerotola'.

Scott O. Trerotola, MD

Exhibit Five

Release Plan For Mr. Icher

RELEASE PLAN

for

MARK ICKER

Reg. No. 77123-067

Primary Contact: Beverly Richardson - mother

915 Maple Acre Road

Sterling, PA 18463

phone: (570) 878-4094

email:

Secondary Contact: Mark Icker Sr. - Father

501 Edgar Street

Throop, PA 18512

phone: (570) 878-4093

email: micker@echoes.net

NECESSITIES

1. Shelter

a. I plan to live with my mother, Beverly Richardson, at 915 Maple Acre Road, Sterling, PA 18463. This is a single family 3 bedroom home. This is the house I have lived in since I was born. My step-father, Jeffrey Richardson, also lives at this address as well as my daughter, Juliana Icker, who I plan to raise at this address.

b. My backup plan would be to live with my father at 501 Edgar Street, Throop, PA 18512. My father, Mark Icker Sr., and step-mother, Lynn Icker, reside here. The U.S. Probation Department approved of and has visited this address while on pre-trial release until my self-surrender.

2. Food

a. Under my primary plan, I will be living with my mother and will have food and other necessities from her income as well as mine.

b. My backup plan would be to rely on my father or grandmother for support.

c. My third alternative would be to receive short-term assistance from

Snap: 800-221-5689

3. Clothing

I currently have sufficient clothing including dress, casual, everyday, business, and work clothes stored at my mothers address.

4. Transportation

a. I have a driver's license in the state of Pennsylvania.

b. I own a 2016 Dodge Ram 1500. It is in excellent condition and maintained at my mother's garage. It has current inspection and insurance.

c. My mother owns a 2014 Mercedes Benz E-350 as well as a 2018 Dodge Ram 2500. She as well as my father can also assist in transportation if needed.

5. Health, Insurance and Medical Needs.

- a. I have medical insurance in Pennsylvania through
- b. I plan on arguing my own health insurance or seeking coverage through the Affordable Care Act.
- c. I will continue to use Pennstate University to receive care for my illness.

6. Income and Employment

- a. throughout my life, I have worked in construction for my father's company. I am a skilled carpenter and handyman. I currently work in carpentry for the BOP. If I cannot find other means of employment, I will work for my father.
- b. I was certified through Cackawanna County College's act program. While that was surrendered, I still have 11 years experience in the law enforcement field. I would seek this as a backup to possibly work in a law office.
- c. I will actively seek employment in my immediate area in Sterling, PA. There are several businesses there that are usually hiring.

7. Social Support

- a. My mother and father will be my primary support upon my release. I maintain a close relationship with my parents, even with the large distance, we are apart. My father has my power of attorney at this time.
- b. My daughter, Julianna Icker, resides at my mother's address as well. I maintain a close relationship with my child by calling her daily and discussing her daily events and school. I plan upon release to raise her and support her.
- c. My grandmother, Helen Butler, lives approximately 1 mile from my mother's residence. My grandfather recently passed away leaving her living alone. I also plan to assist her and help her maintain her home and property. She is elderly and needs assistance, which I plan to provide.

Proposed Monthly Budget

Income: (This may vary by employment)

Full-time work (estimate): \$2400 (10/hr for 40/workweek)

Taxes: -\$400

Net Income: \$2000

Expenses: Initially, my parents will be assisting me with my expenses until I can establish a set budget. My expenses will mostly be for supporting my daughter. My cellphone is on a family plan paid by my father.

Food:	\$400
Clothing:	\$100
Transportation:	\$200
Vehicle:	\$200
Insurance:	\$150
Hygiene/MISC:	\$100
<u>Child Care:</u>	<u>\$600</u>
Estimated Total:	\$1550

